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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/529,506	10/11/2005	Martin Rogalla	Rogalla, M. ET AL 1 - PCT	6749
25889	7590	08/14/2007	EXAMINER	
WILLIAM COLLARD COLLARD & ROE, P.C. 1077 NORTHERN BOULEVARD ROSLYN, NY 11576			KWOK, HELEN C	
			ART UNIT	PAPER NUMBER
			2856	
			MAIL DATE	DELIVERY MODE
			08/14/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/529,506

Applicant(s)

ROGALLA ET AL.

Examiner

Helen C. Kwok

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 3-5, 7, 10, 12, 14 and 16 is/are allowed.
- 6) ☒ Claim(s) 1, 2, 6, 8, 9, 11, 13 and 15 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 3/28/05 & 10/11/05
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Specification

2. The abstract of the disclosure is objected. Correction is required. See MPEP § 608.01(b).

The abstract contains legal phraseology (i.e. "means" and "said") often used in patent claims should be avoided.

The phrase "These follows: Figure 1" should be deleted.

Claim Objections

3. Claims 1-16 are objected to because of the following informalities. Appropriate correction is required.

In claim 1, line 4, the phrase "the wheel periphery" should be changed to – a wheel periphery --. In line 6, the word "fro" should be changed to – from --.

In claim 2, line 3, the phrase "the conveying direction" should be changed to – a conveying direction --.

In claim 3, line 4, the phrase "the opposing leg" should be changed to – an opposing leg --.

In claim 5, lines 3-4, the phrase "the balancing position" should be changed to – a balancing position --.

In claim 7, line 3, the phrase "a rotary drive" should be changed to – the rotary drive --.

In claim 8, lines 2-3, the phrase "the rotational angle" should be changed to – a rotational angle --.

In claim 10, line 7, the phrase "the piston rod" should be changed to – a piston rod --.

In claim 12, lines 3-4, the phrase "the conveying plane" should be changed to – a conveying plane --.

In claim 14, line 7, the phrase "the conveying plane" should be changed to – a conveying plane --.

In claim 15, line 3, what is the word "it" referring to?

In claim 16, line 3, the phrase "the leading and/or trailing edge" should be changed to – a leading and/or trailing edge --.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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5. Claims 2, 6, 8-9, 11, 13 and 15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 2, lines 4-5, the phrase "to which legs a jaw is attached respectively" is indefinite and is not clearly worded. Please clarify.

In claim 6, line 2, the phrase "the roller" lacks antecedent basis.

In claim 8, line 3, the phrase "the roller" lacks antecedent basis.

In claim 9, line 2, the phrase "the roller" lacks antecedent basis and is vague.

Which "roller" is being referred to?

In claim 11, line 2, the phrase "a second jaw" is indefinite. How can there be a "second jaw" when there is already a pair of jaws claimed in claim 1? Please clarify. In line 4, the phrase "the leg" lacks antecedent basis. In line 5, the phrase "in particular by means of spring catches" is indefinite since no function is specified by the word(s) preceding "means," and the phrase "in particular" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed, thereby rendering the scope of the claim(s) unascertainable.

In claim 13, line 3, the phrase "or similar continuous conveyor elements" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed, thereby rendering the scope of the claim(s) unascertainable.

In claim 15, line 2, the phrase "the elevating table" lacks antecedent basis.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 3,748,910 (Hofmann).

Hofmann discloses a method and apparatus for automatic balancing vehicle wheels comprising, as illustrated in Figures 1-6, a balancing station 2 for holding a vehicle wheel 1 for attachment of a balance weight with a clamping device 5 with has at least two mutually opposing jaws 8,20 for pressing against a wheel periphery wherein the jaws rotatably mounted around a clamping axis; a conveyor device (as observed) which the vehicle wheel can be conveyed between the jaws of the clamping device such that the clamping device can be moved into a tilted position wherein the clamping axis is inclined at an angel of at least 30° from the horizontal where the clamping axis of the jaws is aligned horizontally. (See, column 3, line 31 to column 4, line 9).

8. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by EP 1116944 (Rogalla et al.).

Rogalla et al. discloses a device for balancing a vehicle wheel comprising, as illustrated in Figures 1-4, a balancing station for holding a vehicle wheel 2 for

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attachment of a balance weight with a clamping device 2 with has at least two mutually opposing jaws 5 for pressing against a wheel periphery wherein the jaws rotatably mounted around a clamping axis; a conveyor device which the vehicle wheel can be conveyed between the jaws of the clamping device such that the clamping device can be moved into a tilted position wherein the clamping axis is inclined at an angel of at least 30° from the horizontal where the clamping axis of the jaws is aligned horizontally. (See, Abstract).

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

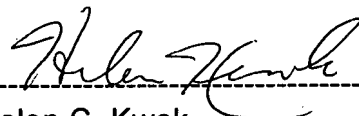
The reference cited is related to balancing station for holding or securing a vehicle wheel.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Helen C. Kwok whose telephone number is (571) 272-2197. The examiner can normally be reached on 8:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hezron E. Williams can be reached on (571) 272-2208. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Helen C. Kwok
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hck
August 10, 2007